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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,876	07/31/2003	Jes Tougaard Gram	CU-3619	1808
26530	7590	06/16/2006		
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			EXAMINER HECKENBERG JR, DONALD H	
			ART UNIT 1722	PAPER NUMBER

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/631,876	Applicant(s) GRAM, JES TOUGAARD	
	Examiner Donald Heckenberg	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 11-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13 and 15-25 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/380,006.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date =. | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's election of claims 11-25 in the reply filed on 28 April 2006 is acknowledged. Because Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse. MPEP § 818.03(a). Claims 1-3 are withdrawn from further consideration.

2. Claim 11 repeats the phrase "wherein the middle mold part is disposed between the first and second mold parts in the closed position" in lines 7-10. One of the two phrase should be deleted.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11-13, 15, 17, 18, 20 and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 43 28 853 (previously made of record in the I.D.S. filed on 05 May 2006 by Applicant; hereinafter "DE '853"). Note the English abstracts of this reference made of record with this Office Action.

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DE '853 discloses an injection molding apparatus. The mold comprises a first mold part (1), a second mold part (2), and a third mold part (3) disposed between the first and second mold parts (see Fig. 1). The second mold part (2) is movable relative to the first mold part between open and closed positions (see Figs 1 and 2). The middle mold part is turnable 180 degrees about an axis which both passes through each mold part in the closed position and is parallel to the movement direction between the mold parts (see Figs 1-3). The middle part includes four plates defining four mold cavity faces (see Fig. 1).

DE '853 further discloses the apparatus to comprise non-rotating plates (4, 5 and 18) to which the mold parts are mounted, thereby constituting part of the frame structure of the apparatus (see Fig. 2). Still further, the first and second mold parts have identical, but opposingly disposed inner faces, while the middle mold part has identical outer faces (Fig. 2).

5. Claims 11, 16 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated Hehl (U.S. Pat. No. 3,832,110; previously made record in the I.D.S. filed by Applicant).

Hehl discloses an injection molding apparatus. The mold comprises a first mold part (2), a second mold part (19'), and a

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middle mold part (9) disposed between the first and second mold parts (see Figs. 10-12). A turnable axle (15) is provided which engages the middle mold part to turn it about an axis which passes through each mold part.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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8. Claims 19 rejected under 35 U.S.C. 103(a) as being unpatentable over DE '853 in view of Applicant's admitted prior art.

DE '853 discloses the molding apparatus as described above, including the second mold part (2). DE '853 does not show the apparatus as comprising a knee hinge joint system for allowing transverse movement of the non-rotating mold parts. Applicant discloses, however, that knee hinge joint systems are known in the art for effectuating mold part movement (specification, p. 2, l. 22 - p. 3, l. 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified the apparatus disclosed by DE '853 as such to have used a hinge joint system for allowing the transverse movement of the mold parts because these systems are well-known for in the art for effectuating mold part movement as noted in Applicant's admitted prior art.

9. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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10. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or suggest a mold with the features recited in claim 14 of the instant application. The closest prior art disclosed by DE '853 is described above. DE '853 fails to teach or suggest the first and second mold parts to be turnable about an axis which passes through each mold part while the middle part remains rotationally stationary.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (571) 272-1131. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta, can be reached at (571) 272-1316. The official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<<http://pair-direct.uspto.gov>>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

 6-12-6
Donald Heckenberg
Primary Examiner
A.U. 1722